

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Civil and Small Claims Advisory Committee  
Hon. Elihu M. Berle, Chair  
Case Management Subcommittee  
Hon. Arthur M. Wallace, Chair  
Patrick O'Donnell, Committee Counsel, 415-865-7665,  
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DATE: April 2, 2003

SUBJECT: *Civil Case Cover Sheet* (revise form 982.2(b)(1); and amend Cal.  
Rules of Court, rule 201.8(b)) (Action Required)

Issue Statement

The *Civil Case Cover Sheet* was adopted in 1996 to collect information on civil case filings. Plaintiffs and others filing a complaint or other first paper in a civil case must, along with the first paper, file a completed cover sheet. (Cal. Rules of Court, rule 201.8.) The party must complete various items on the sheet. The information provided gives important statistical information to the courts about the number and types of civil cases filed.

The *Civil Case Cover Sheet* has been revised several times—most recently to provide a means for the plaintiff to indicate whether a case is complex under rule 1800 et seq., and for the defendant to agree or disagree with this designation.

At this time, three kinds of revisions should be made to the cover sheet. First, the front page of the form should be revised for technical and stylistic reasons. For instance, because the rule relating to cover sheets has been renumbered as rule 201.8 instead of rule 982.2, the references to the rule throughout the form should be changed. Second, the form should be renumbered as form CM-010, to indicate it is part of a set of forms on civil case management. Third, a new page of instructions should be added as the second page of the form.

### Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective July 1, 2003:

1. Revise the *Civil Case Cover Sheet* (form CM-010 (formerly form 982.2(b)(1))); and
2. Amend rule 201.8(b) of the California Rules of Court to indicate the new form number.

A copy of the revised *Civil Case Cover Sheet* is attached at pages 4–5. The text of amended rule 201.8(b) is attached at page 6.

### Rationale for Recommendation

The rationale for the technical changes is straightforward. These changes—such as revising the form to reflect the current applicable rule number—will make the form more accurate and easier to use. Form 982.2(b)(1) will be renumbered as form CM-010 to indicate it is one of the set of case management forms that is being developed. At the same time the form is renumbered, rule 201.8(b), which contains a reference to the form, should be amended to reflect this change.

The most significant change to the *Civil Case Cover Sheet* is the addition of a new page of instructions on the second page. These instructions will assist plaintiffs and others filing their first paper in a case in completing the form. The instructions notify plaintiffs that they must complete and file the cover sheet with the first paper (for example, the complaint) filed in the case. They also explain that all five items must be completed. If a case involves several causes of action, the instructions indicate that the plaintiff must check the box that best describes the primary cause of action.

The instructions provide guidance about which case types to check on the form. This information is important so that the courts will be able to collect reliable, consistent statistical data about the types and numbers of cases that they are handling. Plaintiffs sometimes find it unclear under which case type a particular case should be categorized. The instructions provide examples of some of the specific cases that belong under different case types.

Finally, the instructions explain how the form is to be completed and used by parties in complex cases. A plaintiff who believes a case is complex should designate the case as complex by checking the appropriate boxes in items 1 and 2. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, or a counter-designation of the case as non-

complex, or, if the plaintiff has made no designation, a designation that the case is complex.

#### Comments From Interested Parties

A total of 8 comments were received on the revised form.<sup>1</sup> Three commentators simply indicated that they agreed with the changes.

A commentator proposed that a new subcategory be added for "uninsured motorist" cases. The committee agreed that it would be useful to add this subcategory. It would improve the data collected and assist the courts in identifying cases that will be stayed for 180 days. There was a question under which heading uninsured motorist cases should be classified. The commentator recommended placing them under Miscellaneous Civil Petition. The committee concluded that these claims would more accurately be characterized as a subcategory of Auto Tort; hence, the new subcategory has been located under that heading.

Two commentators suggested that the form might provide more information about the designation of complex cases. A reference to rule 1800 of the California Rules of Court has been added to the instructions.

Two commentators proposed including a notice that sanctions might be granted for failure to file the cover sheet. Both suggested adding a reference to rule 201.8(c) to the "Notice" on page 1. One also suggested mentioning sanctions in the instructions. The cover sheet was revised to indicate in both the notice and instructions that sanctions may be awarded if a party fails to file a cover sheet as required.

#### Attachments

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<sup>1</sup> A chart summarizing the comments received is attached at page 7.

Rule 201.8 of the California Rules of Court is amended, effective July 1, 2003, to read:

**Rule 201.8. Case Cover Sheet required**

**(a) \* \* \***

**(b) [List of cover sheets]**

- (1) *Civil Case Cover Sheet* (form ~~982.2(b)(1)~~ CM-010) ~~=required~~  
must be filed in each civil action or proceeding, except those filed  
in small claims court or filed under the Probate Code, Family Law  
Code, or Welfare and Institutions Code.

(2) \* \* \*

**(c) \* \* \***

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):   		<b>FOR COURT USE ONLY</b>
TELEPHONE NO.: _____ FAX NO.: _____ ATTORNEY FOR (Name): _____		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF _____ STREET ADDRESS: _____ MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____		
CASE NAME: _____		
<b>CIVIL CASE COVER SHEET</b> <input type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000)	<input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)
		CASE NUMBER: _____
		JUDGE: _____
		DEPT.: _____

*All five (5) items below must be completed (see instructions on page 2).*

1. Check **one** box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800–1812)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental /Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint ( <i>not specified above</i> ) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition ( <i>not specified above</i> ) (43)
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2. This case ☐ is ☐ is not complex under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |   |
|--|---|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses   |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial post-judgment judicial supervision  |
3. Type of remedies sought (*check all that apply*):
- a. ☐ monetary    b. ☐ nonmonetary; declaratory or injunctive relief    c. ☐ punitive
4. Number of causes of action (*specify*): \_\_\_\_\_
5. This case ☐ is ☐ is not a class action suit.
- Date: \_\_\_\_\_



(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate, Family, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on **all** other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

# INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

## To Plaintiffs and Others Filing First Papers

If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must check **all five** items on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. You do not need to submit a cover sheet with amended papers. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 201.8(c) and 227 of the California Rules of Court.

## To Parties in Complex Cases

In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 1800 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

### Auto Tort

Auto (22)–Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

### Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (*not asbestos or toxic/environmental*) (24)  
Medical Malpractice (45)  
Medical Malpractice–Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

### Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*)(08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (*not medical or legal*)  
Other Non-PI/PD/WD Tort (35)

### Employment

Wrongful Termination (36)  
Other Employment (15)

### Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease Contract (*not unlawful detainer or wrongful eviction*)  
Contract/Warranty Breach–Seller Plaintiff (*not fraud or negligence*)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case–Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (*not provisionally complex*) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

### Real Property

Eminent Domain/Inverse Condemnation(14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

### Unlawful Detainer

Commercial (31)  
Residential (32)  
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential.*)

### Judicial Review

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ–Administrative Mandamus  
Writ–Mandamus on Limited Court Case Matter  
Writ–Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal–Labor Commissioner Appeals

### Provisionally Complex Civil Litigation (Cal. Rules of Court Rule 1800-1812)

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Toxic Tort/Environmental (30)  
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

### Enforcement of Judgment

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (*non-domestic relations*)  
Sister State Judgment  
Administrative Agency Award (*not unpaid taxes*)  
Petition/Certification of Entry of Judgment on Unpaid Tax  
Other Enforcement of Judgment Case

### Miscellaneous Civil Complaint

RICO (27)  
Other Complaint (*not specified above*) (42)  
Declaratory Relief Only  
Injunctive Relief Only (*non-harassment*)  
Mechanics Lien  
Other Commercial Complaint Case (*non-tort/non-complex*)  
Other Civil Complaint (*non-tort/non-complex*)

### Miscellaneous Civil Petition

Partnership and Corporate Governance (21)  
Other Petition (*not specified above*) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief from Late Claim  
Other Civil Petition

Comments for W03-02  
Civil Case Cover Sheet (revise form 982.2(b)(1); amend rule 201.8)

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Raymond Coates President California Defense Counsel Sacramento, California	A	Y	Agrees with proposed changes, without specific comments.	No response required.
2.	Brian Farasne Legal Process Supervisor Superior Court of California, County of Santa Clara	A	N	The instruction sheet would be very helpful for the pro per litigant. It would also be helpful to add a brief description of what makes a case complex.	The committee agreed that the instruction sheet would be very helpful. A reference to rule 1800 of the California Rules of Court has been added. Item 2 on the cover sheet lists the factors that make a case complex.
3.	Richard L. Haeussler Private Attorney Costa Mesa, California	AM	N	I would like to suggest that the committee consider adding the category under "Miscellaneous Civil Petition" for petitions to compel uninsured motorist arbitrations. I do not believe that an uninsured motorist arbitration really fits under the "Contract–Insurance Coverage" group.	The committee agreed with the proposal to add a heading for uninsured motorist claims. It concluded that such claims belong under Auto Tort rather than Miscellaneous Civil Petition or Contract–Insurance Coverage.
4.	Stephanie Kennedy Superior Court of California, County of Stanislaus	A	N	Agrees with proposed changes, without specific comment.	No response required.
5.	Patti Morua-Widdows Court Program Manager Superior Court of California, County of Ventura	A	N	The instruction sheet—under "To Parties in Complex Cases"—add the actual rule number regarding complex cases.	A reference to rule 1800 of the California Rules of Court has been added.
6.	Debra Meyers Superior Court of California, County of San Bernardino	AM	N	I would suggest adding to the first bullet under "Notice" at the bottom of the first page, a statement that failure by a party to file a cover sheet may result in sanctions against that party.	The committee agreed with this proposal and has added a statement.
7.	Charles D. Ramey Executive Officer Superior Court of California, County of Solano	A	N	Agrees with proposed changes, without specific comment.	No response required.
8.	Delores Spindler Superior Court of California, County of Nevada	AM	N	A reference to California Rules of Court, rule 201.8(c) should be added either under Notice on page 1 or in the instructions on page 2.	References to sanctions have been added to both the notice and the instructions.